

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEROME WILLIAMS, 91B0175,

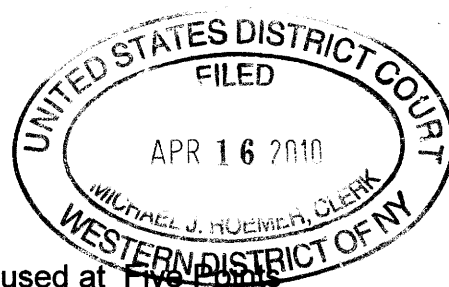
Plaintiff,

-v-

COLVIN, D.S.S.,

Defendant.

DECISION AND ORDER
10-CV-6188CJS



Plaintiff Jerome Williams, a prisoner who is presently housed at Five Points Correctional Facility, has submitted to the Court a complaint and an affidavit of poverty seeking permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a).

Effective April 9, 2006, the filing fee for civil actions increased to **\$350.00** for all civil actions filed on or after April 9, 2006. Before this action can proceed the Court must receive a signed Authorization from plaintiff authorizing the institution in which the plaintiff is confined to pay the full **\$ 350.00** filing fee.

In addition, the documentation plaintiff has submitted is inadequate to permit the Court to evaluate the request to proceed *in forma pauperis*, because plaintiff has neglected to have prison officials complete the required prison certification section of the application form, without which the Court cannot grant the request and put the case forward. Because this section of the application form must be completed and signed by

a prison official, plaintiff may have until **May 18, 2010** to submit a supplementary application which includes a completed prison certification section.

The Clerk of the Court is directed to send plaintiff a new form application to proceed as a poor person and a Prison Authorization Form.

Accordingly, the plaintiff has until May 18, 2010 to (a) furnish the Court with another signed Authorization authorizing the institution in which the plaintiff is confined to pay the full \$ 350.00 filing fee and submit the completed prison certification **or** (b) pay the full filing fee of \$ 350.00.


If the Court does not receive another signed Authorization and the completed prison certification **or** the full fee of \$ 350.00 on or before such date, **this action will be dismissed without further notice** to the plaintiff and, if any part of the filing fee has already been submitted to the Court from the institution, it will be returned to the institution for deposit in the plaintiff's inmate account.

Plaintiff has also filed a motion for appointment of counsel. There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore plaintiff's motion for appointment of counsel is denied without prejudice at this time.

IT IS HEREBY ORDERED, that the Clerk of the Court is to close this case as dismissed after **May 18, 2010** if the plaintiff has not provided the Court with another

signed Authorization and a completed prison certification or paid the full filing fee by that date.

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated: April 15, 2010